

1. Environmental Protection and Conservation in India

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Abstract:

In the 21st century, conservation and protection of the environment have become a big issue in every country, whether developed or developing. India has taken a number of steps in this direction, but how far those are relevant, only future will tell, but there is no doubt that since ancient times, there are guidelines and prescription for the environment management. The sacred books, scriptures, Vedas, Puranas including the epics Mahabharat and Ramayan mentioned about the protection of the environment. For this purpose, environment resources like trees, rivers, mountains, lands, etc. were attached to the religion so that they become part and parcel of everyday life of people and they follow in their daily routine. In medieval times also, there were prescriptions for environment conservation. In modern times, mainly after independence, various laws, rules, regulations, by-laws, and policies have been formulated for the protection of the environment in India. A number of organizations/institutes like Ministry of Environment, Forest and Climate Change; National Green Tribunal; Central Pollution Control Board have been established for the environment management.

Keywords:

Environment; Conservation; Protection; Laws; Rules; India

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Environmental Protection and Conservation in India

Introduction

The environment includes all-natural belongings that surround us such as land, air, water, flora and fauna which is essential to carry on smooth life. The environment is significant for the development and culture of every country, whether rich or poor; democratic or communist or kingdom; parliamentary or presidential; developed or developing or under-developed. Since ancient times, there are guidelines and prescriptions for environment management. The sacred books, scriptures, Vedas, Puranas including the epics Mahabharat and Ramayan mentioned about the protection of the environment. For this purpose, environment resources like trees, rivers, mountains, lands, etc. were related to the religion so that they become part and parcel of people and they follow in their daily routine. In medieval times also, there were prescriptions for environment conservation. In modern times, mainly after independence, various laws, rules, regulations, bylaws, and policies have been formulated for the protection of the environment in India. A number of organizations/institutes like Ministry of Environment, Forest and Climate Change; National Green Tribunal; Central Pollution Control Board have been established for the environment management.

'Paryavaranam' is a Sanskrit word for the environment that was prevalent during ancient India (Rao U, 2014). Veda tried to impose duties on society and individuals to respect and adore trees. The worshipping of the big tree having many branches is similar to worshipping the whole universe (Tiwari, S., 2016). It is believed that environmental awareness existed even in the pre-Vedic Indian Valley Civilization which thrived in northern India about 5,000 years ago. This is evident from the archaeological evidence gathered from Harappa and Mohenjo-Daro which were advanced cities during that time. Their consciousness about cleanliness is obvious from their structures of systematic

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streets, ventilated houses, public baths, covered underground drains and numerous wells (Kenoyer, 1991).

The Puranashad mentioned environment mainly the flora and fauna. They hypothesized the trees to feel contentment, joy, grief, etc. (Vidyasagara, 1876) and endorsed high respect for plants (Dutt, pp. 282. 1-4, 1903). In the Padma Purana, it is mentioned that trees like, neem, pipal, bel, ber, etc., are the place of god and are not to be cut which indicate that trees were treated as sacred by the people who through religion tried to protect flora and fauna. Even, the Agni Purana mentioned death penalty for contamination of ponds (Dutt, 1903).

Atharva Veda studies the importance of forest conservation and protection of three particular trees namely, "Parijath, banyan and pepal" (Tiwari, 2016). The Atharva Veda mentioned that "Man's paradise is on earth; this living world is the beloved place of all; it has the blessings of nature's bounties; live in a lovely spirit". Ancient Indian scholars and researchers support judicious use of water even though India was blessed with perennial rivers and heavy rainfall. It was found that during ancient period houses in the western part of Rajasthan were constructed in such a way that each had a rooftop rainwater harvesting system.

A number of chants in the Vedas are devotional songs (prayers) sustaining equilibrium in the working of every facet of environment and it is contended that some thoughts expressed in them seem to be same contemporary doctrines advocating for the protection of the environment. For instance, the 25th Rio principle mentions how "peace, development and environmental protection are interdependent and indivisible." Earlier Indians believed that environmental balance is dependent on activities, worthy or not worthy, for everyone living in the universe. Accordingly, Rigveda says: "Environment provides bliss to people loading their life perfectly. River bliss us with the sacred water, and medicines provide us health, might, morning, vegetation, sun bliss us with a peaceful life. Our cows provide us sweet milk" (Sarmah, 2015). The Atharvaveda mentioned, "Man's paradise is on earth; this living world is the beloved place of all; it has the blessings of nature's bounties; live in a lovely spirit".

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In the 6th century BC, the ideologies and doctrines of VardhamanaMahavira for Buddhism and Gautama Buddha for Jainism propagated the principles of the environment through the principles of non-violence, honesty, economical and humanity and generosity which helped in preservation or resources. The importance and protection of environmental resources have been advocated in Indian sacred writings and is stated in the legal and policy documents. The traditions, culture, norms and values of India believe in environmental conservation. The Section 2(a) of Environment (Protection) Act, 1986 defines environment¹ as “environment includes water, air and land and the interrelationship which exists among and between air, water and land and human beings, other living creatures, plants, micro-organism and property”.

Numerous environmental doctrines were legislated even before India’s independence in 1947, but the main task for bringing about a proper document was brought by the United Nations when a Conference on the Human Environment was conducted²in Stockholm in 1972. The policy decisions led to the establishment of the National Council for Environmental Policy and Planning (NCEPP) within the Department of Science and Technology in 1972. In 1985, the NCEPPdeveloped into Ministry of Environment and Forests (MoEF) in 1985 which is the principal institution for conserving and protecting the environment.

The 42nd Amendment³ introduced in 1976, after the Stockholm Conference, brought about some changes in acts/laws, which also looked into the environment, as one of the main aspects for nature leading to nation-building. The Article 48A lays down the state’s responsibility for protection and improvement of the environment, “the state shall endeavour to protect and improve the environment and safeguard the forests and wildlife of the country”. Under Article 51-A(g), environmental protection has become a basic duty of every citizen: “it shall be the duty of every citizen of India to

¹Government of India. 1986. The Environment (Protection) Act 1986. Department of Environment, Forests and Wildlife, Ministry of Environment & Forests. New Delhi

²United Nations. Report of the United Nations Conference on the Human Environment. Stockholm, 5-6 June, 1972.

³Government of India. The Constitution (Forty-Second Amendment) Act, 1974

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protect and improve the natural environment including forests, lakes, rivers and wildlife and to have compassion for living creatures”⁴.

Legal Provisions for Environment Protection

India, since independence, a number of laws, rules and regulations, as well as policies and guidelines, have been formulated for the conservation and protection of the environment in India. In 1974, the 42nd constitutional amendment ensures the responsibility of every state government to conserve nature and to protect the forests and wildlife of the nation. One of the fundamental duties prescribes: “To protect and improve the natural environment including forests, lakes, rivers and wildlife and to have compassion for living creatures”. Some legal provisions are:

1. Articles 13 to Articles 36 are related with the fundamental rights, where Article 21 mentions: "No person shall be deprived of his life or personal liberty except according to the procedure established by law."
2. Article 47 is concerned with the responsibility of every state for improving the nutrition and the standard of living and to make progress for public health: "The State shall regard the raising of the level of nutrition and the standard of living of its people and the improvement of public health as among its primary duties and, in particular, the State shall endeavour to bring about prohibition of the consumption except for medicinal purposes of intoxicating drinks and of drugs which are injurious to health."
3. Article 48A prescribes responsibility for every state with regard to environmental protection: "The State shall endeavour to protect and improve the environment and to safeguard the forests and wildlife of the country".

⁴It is a fundamental duty of every citizen of India. There are total eleven fundamental duties (a to k) under Article 51A of the Part IVA of the Constitution of India.

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4. Article 51A(g) mentions the fundamental duty of environment protection for every citizen of the country: "It shall be the duty of every citizen of India to protect and improve the natural environment including forests, lakes, rivers and wildlife and to have compassion for living creatures."

According to the Constitution of India, there are three lists—Union List, State List and Concurrent List which have many subjects/issues directly or indirectly related to the environment. According to Article 246(1), while the Union is supreme to make any law over the subjects enumerated in List I, the States, under Article 246 (3), enjoy competence to legislate on the entries contained in List II, and both the Union and the States under Article 246(2) have concurrent jurisdiction on entries contained in List III.

The Union list⁵ has 100 subjects. The subjects related to environment are Industries (Entries 52); Regulation and development of oil fields and mineral oil resources (Entries 53); Regulation of mines and mineral development (Entries 54); Regulation and development of inter-State rivers and river valleys (Entries 56); Fishing and fisheries beyond territorial waters (Entries 57).

The State list⁶ has 61 subjects. The subjects related to environment are Public health and sanitation (Entries 6); Agriculture, protection against pest and prevention of plant diseases (Entries 14); Land, colonisation, etc (Entries 18); Fisheries (Entries 21); Regulation of mines and mineral development subject to the provisions of List-I (Entries 23); Industries subject to the provisions of List-I (Entries 24).

The concurrent list⁷ has 52 subjects. The subjects related to the environment are Forests (Entries 17A); Protection of wild animals and birds (Entries 17B); Economic and social planning (Entries 52); Population control and family planning (Entries 20A).

⁵The Union List is a list of 100 items given in Seventh Schedule of the Constitution of India on which Parliament has exclusive power to legislate.

⁶The State List is a list of 61 items given in Seventh Schedule of the Constitution of India.

⁷The Concurrent List is a list of 52 items given in the Seventh Schedule of the Constitution of India.

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Environmental Laws, Acts and Rules

The World Bank in its report⁸ published in 2007 stated that India has a comprehensive ecological arrangement and classification with a broad set of environmental provisions including policies, rules, statutory orders, regulatory aspects, and organizational agendas to execute and regulate ecological targets. In India, there is more than two hundred legislation relating to environmental conservation mainly focusing on water, trees, forest, wildlife, pollution, etc. There are environment laws/acts and rules for environment protection, forests, wildlife, climate change, water pollution, air pollution, noise pollution and waste management (hazardous waste, municipal solid waste, biomedical waste, plastic waste, e-waste and construction & demolition waste).

Laws/Acts for Environment are:

1. The Environment (Protection) Act, 1986
2. The Environment (Protection) Rules, 1986
3. Environmental Impact Assessment Notification, 2006
4. National Environmental Policy, 2006
5. The National Environment Tribunal Act, 1995
6. The National Environment Appellate Authority Act, 1997

Laws/Acts/Rules for wildlife protection are:

1. The Wildlife Protection Act, 1972
2. The Wildlife (Transactions and Taxidermy) Rules, 1973
3. The Wildlife (Stock Declaration) Central Rules, 1973
4. The Wildlife (Protection) Licensing (Additional Matters for Consideration) Rules, 1983
5. The Wildlife (Protection) Rules, 1995
6. The Wildlife (Specified Plants - Conditions for Possession by Licensee) Rules, 1995

⁸United Nations Development Programme (UNDP) and Administrative Staff College of India. Analysis of Existing Environmental Instruments in India. December, 2009

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The Laws/Acts/Rules for water are:

1. The Water (Prevention & Control of Pollution) Act, 1974
2. The Water (Prevention and Control of Pollution) Rules, 1975
3. The Water (Prevention & Control of Pollution) Cess, Act, 1977
4. The Water (Prevention and Control of Pollution) Cess Rules, 1978

The Laws/Acts for forest are:

1. The Forest (Conservation) Act, 1980
2. The Forest (Conservation) Rules, 1981

The Laws/Acts/Rules for Air Pollution are:

1. The Air (Prevention & Control of Pollution) Act, 1981
2. The Air (Prevention and Control of Pollution) Rules, 1982

The Laws/Acts for waste are:

1. E-Waste Rules, 2016
2. Plastic Waste Management Rules, 2016
3. Hazardous Waste (Management, Handling & Transboundary Movement) Rules, 2016
4. Hazardous Waste (Management and Handling) Rules 1989, 2003, 2008
5. Manufacture, Storage and Import of Hazardous Chemical Rules, 1989
6. Bio-Medical Waste (Management and Handling) Rules 1988, 2003
7. Public Liability Insurance Act, 1991
8. Public Liability Insurance Rules, 1991
9. Municipal Solid Wastes (Management and Handling) Rules, 2000
10. Plastics Manufacture and Usage Rules, 1999
11. Noise Pollution (Regulation & Control) Rules, 2000
12. Batteries (Management and Handling) Rules, 2001
13. Fly Ash Management Rule, 2008

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Administrative Organizations for Environment Protection in India

The main administrative organizations for the implementation, enforcement and regulation of environmental legislations, laws, acts, rules and policies are: Ministry of Environment, Forests and Climate Change (MoEFCC), National Green Tribunal (NGT), Central Pollution Control Board and Department of Environment at the state level.

The Ministry of Environment, Forest and Climate Change (MoEFCC) is the main administrative organization of the government for the policymaking, and coordination of the execution of ecological, forestry and climate change acts, rules, policies, programmes, schemes and projects. The main agendas of the MoEFCC are Preservation of forests, wildlife, flora, and fauna; Prevention and control of pollution; Prevention of afforestation; Regeneration of degraded areas; Protection of the environment; and Ensuring the well-being of animals. The main agendas of the Ministry are the implementation of schemes and projects relating to the protection of the country's natural resources including its biodiversity, forests, wildlife, rivers and lakes, ensuring the safety and well-being of animals, and the prevention and control of pollution. The Ministry follows the principle of ecology, biodiversity, sustainability and betterment of citizens.

The Ministry has four divisions: Establishment Division, Environment Division, Forest Division and Wildlife Division. The Environment Divisions has sub-divisions: Clean Technology, Climate Change, Conservation & Survey, Control of Pollution, Environment Education, Environmental Health, Environment Impact Assessment, Environment Information, Hazardous Substance Management, Montreal Protocol and Ozone, Research in Environment, Statistical Cell, and Wetlands.

The MoEFCC is the principal body for the international and regional organizations such as United Nations Conference on Environment and Development (UNCED), United Nations Environment Programme (UNEP), South Asia Co-operative Environment Programme (SACEP), and International Centre for Integrated Mountain Development (ICIMOD). The MoEFCC has been assigned the responsibilities concerning to multilateral bodies for the Commission on Sustainable Development (CSD), Global Environment Facility (GEF), and of regional bodies like South Asian Association for

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Regional Co-operation (SAARC), Economic and Social Council for Asia and Pacific (ESCAP) and on issues relating to the nature.

On 18th October 2010, the National Green Tribunal (NGT) was set upon the basis of NGT Act, 2010. The primary objective of NGT is fast clearance of cases relating to the ecological management of water, polluted industries, forests and other natural resources. The NGT also looks into the cases related to giving relief and compensation for damages to persons and property and matters related to it. The NGT has been set up with the expertise to handle environmental disputes related to multi-disciplinary issues. There will be one chairperson, not less than ten but subject to a maximum of twenty full-time judicial members, and not less than ten but subject to a maximum of twenty full-time expert members. The Headquarter of NGT is at Delhi, whereas the regional offices are at Bhopal, Pune, Kolkata and Chennai which look into the environmental disputes cases. The main purpose of the NGT is to provide speedy environmental justice and help reduce the burden of litigation in the higher courts. The mandate of the NGT prescribes to dispose of the applications/appeals cases within 6 months.

At the central level, the Central Pollution Control Board (CPCB), a statutory institution, was established in September 1974 under the Water (Prevention and Control of Pollution) Act, 1974. Consequently, the Central Pollution Control Board was assigned the tasks of implementation and regulation of Water (Prevention and Control of Pollution) Act, 1974 and Air (Prevention and Control of Pollution) Act, 1981. It works as a field establishment and provides procedural and specialist services to the Ministry of Environment and Forests relating to the aspects of the Environment (Protection) Act, 1986. The main tasks of the Central Pollution Control Board are: to improve the quality of air; to control air pollution in the country; and to promote cleanliness of streams and wells in various parts of the country.

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Conclusion

In the 21st century, conservation and protection of the environment have become a big issue in every country, whether developed or developing. India has taken a number of steps in this direction, but how far those are relevant, only future will tell, but there is no doubt that since ancient times, there are guidelines and prescription for the environment management. The sacred books, scriptures, Vedas, Puranas including the epics Mahabharat and Ramayan mentioned about the protection of the environment. For this purpose, environment resources like trees, rivers, mountains, lands, etc. were attached to the religion so that they become part and parcel of everyday life of people and they follow in their daily routine.

Earth is a place to live happily which depends on a clean and safe environment. International organizations like the United Nations, regional organizations like SAARC, ASEAN and national organizations like NGT have issued guidelines, from time to time, for the conservation and protection of the environment. It is our duty to protect and safeguard our living place. India is the land of mountains, glaciers and rivers as it has more than 100 perennial rivers which are gradually becoming the dumpsites for the agricultural, domestic, industrial and commercial wastes. A number of new laws and rules like E-Waste Rules, 2016; Plastic Waste Management Rules, 2016; etc. have been formulated in India which could be helpful for conservation and protection of environment only if we all contribute willingly and coherently. It is expected that the planners and policymakers with the able support of citizens will find a better solution for environmental management in India.

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